

The Georgia State Board of Physical Therapy met on **November 16, 2004** at the Capitol Education Center, 180 Central Avenue, Atlanta, Georgia for the purpose of conducting business.

Members Present:

- Sandra Eskew Capps, P.T., President
- Charlene D. Portee, P.T., Vice President
- Bernice B. Chaney, P.T.A.
- Anthony F. Ellis, P.T.
- Brad Freemyer, P.T.
- Lola Rosenbaum, P.T.
- Patricia H. Willis, P.T.

Others Present:

- Anita O. Martin, Executive Director
- Lea F. Williams, Applications Specialist/Board Secretary
- Patricia Downing, Assistant Attorney General—Arrived at 11:40 A.M.

President Eskew Capps established that a quorum was present, and called the meeting to order at 10:10 A.M. in **OPEN SESSION**.

October 19, 2004 Minutes: Mr. Freemyer made a motion to **approve** the minutes as amended. The motion was seconded by Ms. Willis and approved by the Board.

Roster of New Licensees: Ms. Chaney made a motion to **approve** the roster of the 21 newly licensed PT's, and the 4 newly licensed PTA's, issued October 12, 2004 through November 7, 2004. The motion was seconded by Mr. Ellis and approved by the Board.

| License # | Name | License Type | Issue Date |
|-----------|-------------------------------|--------------------|------------|
| PT008195 | Sloan, Stephanie Lynn | Physical Therapist | 10/13/2004 |
| PT008196 | Karamchandani, Satya Pratap | Physical Therapist | 10/15/2004 |
| PT008197 | Caperton, Shennah Barbara | Physical Therapist | 10/18/2004 |
| PT008198 | Taylor, Virginia Frances | Physical Therapist | 10/18/2004 |
| PT008199 | Miles, Robert Keith | Physical Therapist | 10/18/2004 |
| PT008200 | Brutcher, Judith Postell | Physical Therapist | 10/18/2004 |
| PT008201 | McGehee, Kristina Lynn | Physical Therapist | 10/20/2004 |
| PT008202 | Wilson, Christopher Ryan | Physical Therapist | 10/21/2004 |
| PT008203 | Dyer, Christina Noel | Physical Therapist | 10/25/2004 |
| PT008204 | Borkowski, Stephen Patrick | Physical Therapist | 10/25/2004 |
| PT008205 | Guthrie, Jacqueline Ann-Marie | Physical Therapist | 10/27/2004 |
| PT008206 | Lamkin, Alyson R. | Physical Therapist | 10/28/2004 |
| PT008207 | Brannon, Cecelia Mullins | Physical Therapist | 10/28/2004 |
| PT008208 | Ross, Omar Alphonso | Physical Therapist | 11/1/2004 |
| PT008209 | Thomas, Diane Christine | Physical Therapist | 11/2/2004 |

| | | | |
|----------|---------------------------|--------------------|-----------|
| PT008210 | Gaynor, John David | Physical Therapist | 11/2/2004 |
| PT008211 | Harris, Daslyn Elaine | Physical Therapist | 11/2/2004 |
| PT008212 | Manaois, Elmer Manzanillo | Physical Therapist | 11/3/2004 |
| PT008213 | Rice, Karin Lee | Physical Therapist | 11/3/2004 |
| PT008214 | Brewer, Brooke Autumn | Physical Therapist | 11/4/2004 |
| PT008215 | Mendoza, Aldo Mario | Physical Therapist | 11/4/2004 |

PTA Licenses Issued: 4

| License # | Name | License Type | Issue Date |
|-----------|-----------------------|--------------|------------|
| PTA002103 | Cirigliano, Joe F | PTA | 10/18/2004 |
| PTA002104 | Taylor, Anthony Keith | PTA | 10/22/2004 |
| PTA002105 | Dubnik, Lisa Carol | PTA | 10/26/2004 |
| PTA002106 | Dickson, Kelli Brock | PTA | 11/4/2004 |

Draft Policy re: PTA's Conducting Screenings: Mr. Freemyer made a motion to **approve** as amended as a Position Statement. The motion was seconded by Ms. Rosenbaum and approved by the Board.

Draft of Proposed Rule, 490-10.01, Wellness and Preventive Services: Ms. Portee made a motion to **post** the rule as amended. The motion was seconded by Ms. Chaney and approved by the Board. (Attachment #1)

Proposed Amendment to Rule 490-9.02, Principles of Conduct for Licensed Physical Therapists: Mr. Ellis made a motion to **post** the rule as amended. The motion was seconded by Ms. Willis and approved by the Board. (Attachment #2)

Proposed Amendment to Rule 490-4.03, Disciplinary Sanctions. Amended: Ms. Rosenbaum made a motion to **post** the rule as amended. The motion was seconded by Mr. Freemyer and approved by the Board. (Attachment #3)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

E-mail from Jennifer Harrell re: PT Aides: Ms. Willis made a motion to **advise** Ms. Harrell that PT Aides cannot administer treatment, and that she is required by law to report any violations of the rules and/or laws. The motion was seconded by Mr. Freemyer and approved by the Board.

Request for a copy of the A.G.'s advice regarding physician owned practices submitted by David Stanley, P.T.: Ms. Portee made a motion to **deny** the request. Mr. Freemyer seconded the motion and it was approved by the Board. Ms. Willis abstained from the vote.

Notice of Default of Student Loans re: Jennifer D. Mcspadden, P.T.A. and Sandra Berrett, P.T.A.: Ms. Willis made a motion to **suspend** Jennifer D. Mcspadden's and Sandra Berrett's licenses to practice as a Physical Therapist Assistants, License # PTA001741 and PTA001573, for failure to repay a student loan, and further move that this suspension will cease upon receipt by the Joint Secretary of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. The motion was seconded by Ms. Rosenbaum and approved by the Board.

Mr. Ellis motioned, Ms. Willis seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) and §43-1-19(h)(2) to deliberate on applications, disciplinary matters, and to receive information on enforcement, cognizant, Executive Director and Attorney General reports. Voting in favor of the motion were those present who included Board members Eskew Capps, Rosenbaum, Freemyer, Chaney and Portee. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

PT Exam Application submitted by C.M.G.: Ms. Portee made a motion to **deny** the application based on O.C.G.A. §§ 43-33-18 and 43-1-19. Mr. Freemyer seconded the vote and it was approved by the Board.

Question submitted by PT Exam Applicant D.P.D.: Mr. Ellis motioned, Ms. Rosenbaum seconded, and the Board voted to **advise** D.P.D. that Chemistry with laboratory is a requirement of general education hours.

PT Endorsement Application submitted by P.E.P.: Ms. Willis motioned, Ms. Portee seconded, and the Board voted to **approve** the application if a recalculation of the exam scores reflects a passing score.

PT Endorsement Application submitted by L.D.H.: Ms. Chaney made a motion to **approve** the application upon receipt of proof of successful completion of the two Physics with laboratory courses. The motion was seconded by Ms. Rosenbaum and approved by the Board.

Executive Director's Report: Anita O. Martin

- Presented a question on behalf of P.T.A. Exam Applicant R.H., requesting that the Board schedule a conference call after receipt of the O.M.P.E. results. *The Board did not entertain a motion on this request.*
- Presented a summary and follow up to case #01-005. *Ms. Willis made a motion to follow up with the peer reviewer, and schedule a new peer review if necessary. Mr. Freemyer seconded the motion and it was approved by the Board.*

Enforcement Report: Bob Sise

- **Case # 04-003:** Ms. Portee made a motion to **refer** the case to the A.G.'s office for indefinite suspension of the respondent's license. The motion was seconded by Mr. Ellis and approved by the Board.
- **Case # 04-034:** Mr. Freemyer made a motion to **close** the case with a strong letter of concern. The motion was seconded by Ms. Chaney and approved by the Board. Ms. Rosenbaum recused herself from the discussion and vote.

OTHER BUSINESS:

- The Board requested that a copy of Camille McIntosh-Gray's Cease & Desist Order be mailed to the New York State Board of Physical Therapy.
- Ms. Willis made a motion to nominate Ms. Eskew Capps as President, Ms. Portee as Vice President and Mr. Ellis as cognizant. The nominations were seconded by Ms. Rosenbaum and no further nominations were entertained and the nominations were closed. The Board re-elected Ms. Eskew Capps as President, Ms. Portee as Vice President, and Mr. Ellis as cognizant.
- Ms. Eskew Capps requested that the Board adopt into policy: Anyone who develops and instructs a Georgia Ethics and Jurisprudence course will receive four (4) hours of continuing competency credit. *Ms. Chaney made a motion to **adopt** the above-listed as a Board Policy. Mr. Freemyer seconded the motion and it was approved by the Board.*
- The Board requested that a letter be mailed to the FCCPT concerning the discrepancies in the amount of required general education hours that is reflected on the credential evaluations for foreign trained applicants.
- The Board requested that a letter be mailed to PTAG inviting them to the January 2005 meeting to discuss continuing competency requirements.

There being no further business to come before the Board, the meeting was adjourned at 2:50 P.M. on November 16, 2004.

The Georgia State Board of Physical Therapy's Public Meeting began at 3:00 P.M. on November 16, 2004.

The Board members presented the following to the attendees:

- **Traineeship Permits:** Mr. Ellis presented the Board's position that Traineeship Permits are not to be confused with a Temporary Permit, which the Board does not issue. Once a Traineeship Permit is approved and issued, the applicant must complete a minimum of 480 hours within a three month period, and have a performance evaluation submitted by the supervising physical therapist, before being made eligible for the NPTE or NPTE-PTA.
- **Re-examination Attempts and Plan of Further Study:** Ms. Chaney discussed the Board's position concerning multiple examination attempts, and the Board's plan to intervene before the 3rd unsuccessful attempt. It is the intention of the Board to require a remediation plan be submitted to the Board for approval after the 2nd unsuccessful attempt. If the candidate is unsuccessful on the 3rd attempt, the Board will require an extensive remediation plan be submitted for their pre-approval. More information will be available when the Board finalizes a proposed rule adoption.
- **The Babies Can't Wait Program:** Mr. Freemyer advised that the Board had not received any official complaints regarding the program. The Board advises that if anyone knows of any violations of the rules and/or laws as a result of this program, to submit the information to the Board for review.
- **Continuing Competency Requirements:** Ms. Rosenbaum spoke concerning the continuing competency requirements for license renewal.
- **On-Line Renewal Process:** Ms. Willis discussed the new on-line renewal process. Licensees will receive a post card reminding them it is time to renew. The post card will give the information necessary to renew their license on-line. There will be a number to call and order a paper renewal form for those who do not wish to renew on-line. Licensees are encouraged to renew on-line.
- **Rule Revisions:** Ms. Eskew Capps gave a summary of the recently adopted rules and the rules proposed for adoption by the Board.
- **Cognizant/Complaint Information:** Ms. Portee provided a summary of the complaint process, what the Board's role is, the types of allegations received, and what actions can be taken by the Board. Ms. Portee also reported briefly on the FSBPT Annual meeting.

The following subjects were brought up by attendees and addressed by the Board:

- Continuing competency, Jurisprudence requirement via Jurisprudence Exam.
- Possibility of an “open-book” Jurisprudence exam.
- Physician owned practices.
- Complaint/Cognizant issues.
- Problems/difficulties obtaining copies of the rules and laws from the website.

The public meeting adjourned at 4:00 P.M.

Minutes prepared by: Lea Williams, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director

Sandra Eskew Capps, P.T.
Board President

Mollie L. Fleeman
Division Director

**NOTICE OF INTENT TO ADOPT A NEW RULE OF THE GEORGIA STATE BOARD OF
PHYSICAL THERAPY RULES CHAPTER
490- 10, RULE 490- 10- .01, WELLNESS AND PREVENTATIVE SERVICES, AND
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes a new rule be adopted to Chapter 490-10, Rule 490- 10- .01, Wellness and Preventative Services. (hereinafter "new rule").

The proposed new rule provides the definition of wellness and preventative services.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy Web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478- 207- 1686.

A public hearing is scheduled to be held at 9:00 a.m. on January 18, 2005 in the Office of the Secretary of State, Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing.

Written comments are welcomed. To ensure their consideration, written comments must be received on or before January 11, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Professional Licensing Boards Division, Georgia State Board of Physical Therapy, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478- 207- 1699.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Physical Therapy at its meeting scheduled to begin at 9:05 a.m. on January 18, 2005 in the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The proposed rule amendments are proposed for adoption pursuant to authority contained in The Georgia State Board Of Physical Therapy Act O.C.G.A. §§ ____.

At its meetings on November 16, 2004, the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ _____.

Additionally, at these meetings the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ _____ to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

For further information, contact the Board office at 478-207-1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This ____ day of _____, 2004

Mollie L. Fleeman
Division Director

Posted: _____

**SYNOPSIS OF PROPOSED NEW RULE TO BE ADOPTED TO THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE FOR
CHAPTER 490- 10, RULE 490- 10- .01 WELLNESS AND PREVENTATIVE SERVICES.**

Purpose: The purpose of the proposed new rule is to provide the definition of wellness and preventative services.

Main Feature: The main feature of the proposed new rule is to provide the definition of wellness and preventative services.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

490- 10- .01 Wellness and Preventive Services

A licensed physical therapist, or a licensed physical therapist assistant under the supervision of an appropriately licensed physical therapist may perform wellness and preventive services that are not considered “implementing a program of physical therapy treatment without consultation.” For purposes of this rule, “wellness and preventive services” is defined as the use of physical therapy knowledge and skills by a physical therapist or physical therapist assistant to provide education or activities in a wellness or community setting for the purpose of injury prevention, reduction of stress and or the promotion of fitness, but does not include administration of physical therapy treatment.

**NOTICE OF INTENT TO AMEND A RULE OF THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULES CHAPTER
490- 9, RULE 490- 9- .02, . PRINCIPLES OF CONDUCT FOR LICENSED PHYSICAL
THERAPISTS AND NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes to amend Rule 490- 9- .02 Principles of Conduct for Licensed Physical Therapist.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy Web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478- 207- 1686.

A public hearing is scheduled to be held at 9:00 a.m. on January 18, 2005 in the Office of the Secretary of State, Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing.

Written comments are welcomed. To ensure their consideration, written comments must be received on or before January 11, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Professional Licensing Boards Division, Georgia State Board of Physical Therapy, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478- 207- 1699.

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At its meetings on November 16, 2004 the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any

licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ ____.

Additionally, at these meetings the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ ____ to adopt or implement differing actions for businesses as listed at O.C.G.A. §50- 13- 4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

For further information, contact the Board office at 478- 207- 1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50- 13- 4).

This ____ day of _____, 2004

Mollie L. Fleeman
Division Director

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE FOR
490-9-.02, PRINCIPLES OF CONDUCT FOR
LICENSED PHYSICAL THERAPIST.**

Purpose: The purpose of the proposed rule amendment is to provide clarification as to practice that constitutes physical therapy practice and the practice that constitutes wellness and preventative services.

Main Feature: The main feature of the proposed rule amendment is to provide clarification as to practice that constitutes physical therapy practice and the practice that constitutes wellness and preventative services.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE
490-9-.02, PRINCIPLES OF CONDUCT FOR
LICENSED PHYSICAL THERAPIST.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

490-9-.02 Principles of Conduct for Licensed Physical Therapists.

Any individual who is licensed as a physical therapist shall abide by the following ethical standard:

(1) Act with consideration, within the scope of physical therapy, for the rights and dignity of all individuals.

(a) The physical therapist shall hold as confidential information obtained while acting in a professional capacity.

(b) The physical therapist shall provide optimal physical therapy care for all patients regardless of patient race, gender, age, religion, disability or sexual preference.

(c) The physical therapist should balance considerations of the patient's physical, psychological and socioeconomic welfare in professional decisions and actions and document these considerations in the patient's record of care.

(d) The physical therapist shall communicate and interact with patients and all persons encountered in a professional capacity with courteous regard and timeliness.

(e) The physical therapist shall not engage in any behavior that constitutes harassment or abuse of a patient, professional colleague or associate.

(2) Comply with the laws and regulations governing the practice of physical therapy in the State of Georgia.

(a) Physical therapists are to practice (consultation, evaluations, treatment, research, education, administration and preventive care) in accordance with the state practice act.

(3) Accept responsibility for the exercise of sound judgment.

~~(a) Upon accepting an individual for provision of physical therapy services~~When implementing treatment, physical therapists shall assume the responsibility for evaluating that individual; planning, implementing, and supervising the therapeutic program; reevaluating and changing the program; and maintaining adequate records of the case, including progress reports.

~~(b) When the individual's needs are beyond the scope of the physical therapist's expertise, the physical therapist shall so inform and assist the individual in identifying a qualified person to provide the necessary services.~~ When performing wellness and preventative services, physical therapists shall assume responsibility for providing optimal patient care.

~~(c) When the physical therapists judge that benefit can no longer be obtained from their services, they shall so inform the individual receiving the services. It is unethical to initiate or continue services that, in the therapist's judgment, either cannot result in beneficial outcome or are contraindicated.~~ When the individual's needs are beyond the scope of the physical therapist's expertise, the physical therapist shall so inform and assist the individual in identifying a qualified person to provide the necessary services.

~~(d) The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.~~ When the physical therapists judge that benefit can no longer be obtained from their services, they shall so inform the individual receiving the services. It is unethical to initiate or continue services that, in the therapist's judgment, either cannot result in beneficial outcome or are contraindicated.

~~(e) Physical therapists are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist.~~ The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.

~~(f) The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision requires, at a minimum, that a supervising physical therapist perform the following activities:~~ Physical therapists are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist.

(g) The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision requires, at a minimum, that a supervising physical therapist perform the following activities:

1. Establish effective channels of written and oral communication;

2. Interpret and communicate critical information about the patient to the supportive personnel;
3. Perform an initial evaluation of the patient;
4. Develop a plan of care, including short and long- term goals;
5. Delegate appropriate tasks to supportive personnel;
6. Assess the supportive personnel's competence to perform assigned tasks;
7. Provide supervision in accordance with the law, the patient's condition, and the specific situation;
8. Identify and document precautions, special programs, contraindications, goals, anticipated progress, and plans for re- evaluation;
9. Re- evaluate the patient, modify the plan of care when necessary, perform the final evaluation, and establish a follow- up plan.

(g) Physical therapists are obligated to advise their employer(s) of any practice which causes a physical therapist to be in conflict with the ethical principles of this section. Physical therapists are to attempt to rectify any aspect(s) of their employment which is in conflict with the principles of this section.

(4) Seek remuneration for their services that is deserved and reasonable.

(a) Fees for physical therapy services should be reasonable for the service performed, considering the setting in which it is provided, practice costs in the geographic area, judgement of other organizations, and other relevant factors.

(b) Physical therapists shall not:

1. directly or indirectly request, receive, or participate in the dividing, transferring, assigning, or rebating of an unearned fee;
2. profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity in connection with furnishing of physical therapy services;
3. use influence upon individuals, or families of individuals under their care for utilization of any product or service based upon the direct or indirect financial interest of the physical therapist.

(5) Provide accurate information to the consumer about the profession and the services provided.

(a) Physical therapists are not to use, or participate in the use of, any form of communication containing false, plagiarized, fraudulent, misleading, deceptive, or unfair statements.

(6) Accept the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.

(a) Physical therapists shall report any activity which appears to be unethical, incompetent, or illegal to the proper authorities.

(b) Physical therapists shall not participate in any arrangement in which patients are exploited due to the referring sources enhancing their personal incomes as a result of referring, prescribing, or recommending physical therapy or a specific physical therapy practice.

(c) If a physical therapist is involved in an arrangement with a referring source in which income is derived from the services, the physical therapist has an obligation to disclose to the patient, within the scope of the state law, the nature of the income.

Authority O.C.G.A. Sec. _____.

**NOTICE OF INTENT TO REPEAL A RULE OF THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULES CHAPTER
490- 4, RULE 490- 4- .03,. DISCIPLINARY SANCTIONS. AMENDED., AND
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes to amend Rule 490- 4- .03 Disciplinary Sanctions. Amended.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy Web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478- 207- 1686.

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At its meetings on November 16, 2004 the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any

licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ ____.

Additionally, at these meetings the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ ____ to adopt or implement differing actions for businesses as listed at O.C.G.A. §50- 13- 4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

For further information, contact the Board office at 478- 207- 1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50- 13- 4).

This ____ day of _____, 2004

Mollie L. Fleeman
Division Director

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE FOR
490-4-.03, DISCIPLINARY SANCTIONS. AMENDED.**

Purpose: The purpose of the proposed rule amendment is to provide clarification as to the listing of acts that constitute unprofessional and unethical conduct.

Main Feature: The main feature of the proposed rule amendment is to provide clarification as to the listing of acts that constitute unprofessional and unethical conduct.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE
490-4-.03, DISCIPLINARY SANCTIONS. AMENDED.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

490-4-.03 Disciplinary Sanctions. Amended.

(1) The Board in accordance with the licensing Act (O.C.G.A. Section 43- 33- 18 which enumerates grounds for sanctions), shall have authority to refuse to grant a license to any applicant, and refuse to renew a license, and may restrict, suspend or revoke the registration of any licensed person. The Board hereby adopts and incorporates by reference herein the provisions of O.C.G.A. Sec. 43- 1- 19.

(2) For purposes of Official Code of Georgia Annotated, Section 43- 33- 18(a)(1):

(a) "Consultation" shall mean provision of professional advice;

(b) "Appropriate Licensed Practitioner of the Healing Arts" shall include properly licensed practitioners in this or another state, whose consultation falls within the practitioner's legally authorized scope of practice;

(c) For purposes of determining whether a licensed practitioner is appropriate, the physical therapist shall consider, but not be limited to, the following factors:

1. Physical condition of the patient;

2. Nature of ailment;

3. Extent to which the consulting practitioner has knowledge of the patient's history and condition such that an informed judgment can be made concerning course of treatment.

(d) Physical therapists shall document the consultation with the appropriate licensed practitioner of the healing arts prior to implementing a program of physical therapy treatment.

(3) When providing physical therapy treatment following appropriate consultation,
Unprofessional and unethical conduct as defined shall include but is not limited to the following:

(a) Failing to adhere to the Code of Ethics for Physical Therapists and Physical Therapists Assistants, as codified in Rules 490- 9- .01 through 490- 9- .03.

(b) Delegating to an aide or unlicensed person any physical therapy task other than those codified in Chapter 490- 8.

(c) Failing to provide continuous, immediate and physically present supervision of the aide or unlicensed person when designated tasks are performed.

(d) Failing to provide an evaluation on each patient and establishing a physical therapy diagnosis.

(e) Failing to formulate and record in the patient's record a treatment program based upon the evaluation and any other information available.

(f) Failing to perform periodic evaluation of the patient and documenting the evaluations in the patient's record and to make adjustments to the patient's treatment program as progress warrants.

(g) Directly or indirectly requesting, receiving or participating in the division, transferring, assigning, rebating or refunding of fees or remuneration earned, in cash or kind, for bringing or referring a patient. For purposes of this Rule:

1. No physical therapist, physical therapy assistant, employee or agent thereof acting on his behalf, shall enter into or engage in any agreement or arrangement with any individual, entity, or an employee or agent thereof acting on his behalf, for the payment or acceptance or compensation in any form for the referral or recommending of the professional services of either. This prohibition includes any form of fee division or charging of fees solely for referral of a patient.

2. This prohibition shall include a rebate or percentage of rental agreement or any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services.

3. Provided further, that this Rule shall not preclude a discount, waiver of co- payment or other reduction in price of services by a registered physical therapist if the reduction in price is properly disclosed to the consumer and third party payers and appropriately reflected in the costs claimed or charges made.

Authority O.C.G.A. Secs. 43- 1- 19, 43- 1- 25, 43- 33- 10, 43- 33- 13.1, 43- 33- 18, 43- 33- 19.